

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

Further Inquiry Into Certain Issues	)	WC Docket No. 10-90, 07-135, 05-337
	)	03-109;
In the Universal Service Intercarrier	)	
	)	CC Docket No. 01-92, 96-45
Compensation Transformation	)	
	)	GN Docket No. 09-51
Proceeding	)	

JOINT COMMENTS  
OF THE  
COALITION OF LARGE TRIBES  
AND THE  
GREAT PLAINS TRIBAL CHAIRMAN’S ASSOCIATION

I. Introduction

The Coalition of Large Tribes (“COLT”) and the Great Plains Tribal Chairman’s Association (“GPTCA”) are pleased to submit the following joint comments to the Federal Communications Commission (“FCC” or “Commission”), in response to the Further Inquiry Into Certain Issues in the Universal Service-Intercarrier Compensation Transformation Proceeding.

COLT is a national organization representing large, land-based Indian tribes, including the Mandan, Hidatsa, and Arikara Nation; the Ogala Sioux Tribe; the Crow Tribe of Montana; the Navajo Nation; the Sisseton Wahpeton Sioux Tribe; the Blackfeet Tribe of Montana; the Rosebud Sioux Tribe; and the Spokane Tribe of Washington. COLT was formed in the spring of 2011 to address the unique land, economic,

jurisdictional, and funding issues faced by tribes with large Reservations, Treaties, and large populations.

GPTCA is a professional association comprising the sixteen (16) Tribal Chairmen, Presidents, and Chairpersons for Indian Nations in the states of North Dakota, South Dakota, and Nebraska. GPTCA was formed to promote the common interests of the sovereign tribes and nations of the Great Plains region. The Great Plains tribes have the largest geographical land base of any region in the United States, and some of the poorest telecommunications and broadband penetration rates. Two of the more impoverished Counties in the United States are on large Indian Reservations in the Great Plains, according to the U.S. Census: Shannon County, South Dakota (Pine Ridge Reservation) and Ziebauch County, South Dakota (Cheyenne River Sioux Tribe).

The Commission seeks to comprehensively reform and modernize the Universal Service Fund (“USF”) and Intercarrier Compensation (“ICC”) system, in light of recent technological, market, and regulatory changes.

## II. The Lack of Telecommunications and Broadband Services in Indian Country

Indian Country continues to include many areas which are substantially underserved by telecommunications and broadband service providers in the United States. For many of the Reservations of COLT and GPTCA members, the entire surrounding non-Indian community has both cellphone and broadband services, but those services effectively stop at the border of an Indian Reservation.

Telecommunication is vital to the economic well-being of large Indian Reservations. For example, bringing broadband services into rural areas for tele-healthcare would improve access to healthcare services and be extremely cost-effective,

as millions of dollars are being spent transporting patients by ambulance or through air medical services. Unfortunately, widespread access to broadband is not available for many Reservation residents, who don't even have land lines.

Some basic telecommunications and broadband statistics in Indian Country include:

- While national phone coverage is 97.6%, it is only 68.6% on tribal lands,<sup>1</sup> and as low as 40% on some Reservations.<sup>2</sup> Many Indian Reservations in remote or isolated areas are entirely or largely bypassed by wireless carriers, and have no wireless coverage.
- Nationwide less than 10% of the Native population has high-speed wired broadband access, while 95% of most U.S. housing units do.<sup>3</sup>
- No more than 10 of the 565 federally-recognized Indian tribes own and operate their own telecommunications infrastructure companies.
- Many tribal governments on remote or isolated Reservations do not have a shared network or email system for basic inter-governmental communications.

COLT and GPTCA believe that this Administration is committed to: (a) including the needs of Indian tribes and their members in the nation's telecommunications and broadband policies; and (2) seeking to improve access to telecommunications and broadband services within the most underserved areas in the country.

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<sup>1</sup> Government Accountability Office, "Challenges to Assessing and Improving Telecommunications for Native Americans on Tribal Lands," GAO-06-189, at 11 (January 2006). These statistics apply to tribal lands in the lower 48 states.

<sup>2</sup> *Id.* at 14.

<sup>3</sup> Federal Communications Commission, National Broadband Plan, Chapter 3.3 (March 2010); and Federal Communications Commission, Improving Communications Services for Native Nations by Promoting Greater Utilization of Spectrum over Tribal Lands, Notice of Proposed Rulemaking, WT Docket No. 11-40, at 3 (March 3, 2011).



To date, there have been several important and potentially meaningful initiatives started by the FCC. These new Indian Country initiatives include:

- The potential establishment of a helpful (though badly underfunded), dedicated, one-time Tribal Mobility Fund as a new Universal Service Fund program under the National Broadband Plan.
- The issuance of a Wireless Spectrum Notice of Proposed Rulemaking, to promote the development of unused wireless spectrum in Indian Country by offering incentives to wireless licenses to build networks in tribal areas, or to require divestiture of spectrum to tribal carriers which will build out networks in tribal areas.
- The FCC's Order in June 2011, designating Standing Rock Telecommunications, Inc., the first tribally-owned wireless carrier, as an Eligible Telecommunications Carrier ("ETC"), entitled to federal universal service high cost support throughout the Standing Rock Reservation in North Dakota and South Dakota.

Despite this progress, long-standing federal policies and a lack of federal grant preferences for tribes combine together to make this an increasingly difficult task. And federal policies continue to subsidize non-tribal and non-Indian service providers, many of which have not been effective in serving Indian communities.

Solutions to these problems will require significant policy changes to current federal telecommunications rules and regulations, in order to incorporate tribes and tribal entities more effectively into federal programs and processes. The Commission also will need to take steps to support tribal self-governance more robustly,

and to reduce its almost exclusive reliance on non-tribal entities to provide telecommunications and broadband services within Indian Country.

### III. Recommendations Regarding FCC Broadband Policies and Programs

COLT and GPTCA support the comment letter submitted by the National Tribal Telecommunications Association (“NTTA”) on August 25, 2011. Additionally, COLT and GPTCA offer the following general recommendations to improve the FCC’s broadband policies and programs:

- A. Reform of Universal Service Fund. The Universal Service Fund should be used as a mechanism to ensure that broadband services are deployed on Indian Reservations through comprehensive reform and modernization of FCC rules in this area. The USF is a 20<sup>th</sup> century concept to provide universal telephone service; what is needed now is universal broadband deployment.
- B. Tribal Approval of Telecommunications Service Providers. The Treaties between the United States and the tribes represented by COLT and the GPTCA recognize the sovereignty of Native homelands and the pre-existing rights of self-government and self-determination possessed by these tribes. The United States also has a general trust responsibility to ensure that Native Americans have access to the same infrastructure as the rest of the United States. Indian Treaty and trust obligations require that communications infrastructure issues on tribal lands are meant to be *negotiated* between the federal government and each tribe. No applicant should be granted permission by the FCC to service tribal lands, much less be subsidized to do

so by the federal government, without the express consent of each of the affected tribes.

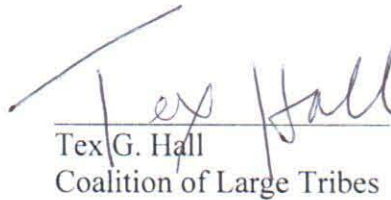
- C. Support for Tribally-Owned Service Providers. The FCC should support Indian tribes seeking to provide regulatory services to their own communities. If a tribe applies for a status as an Eligible Telecommunications Carrier, the FCC should use its regulatory resources to streamline and expedite a tribe's application, including designating the Native community as a single service area. The success by existing tribally-owned telecommunications companies in dramatically increasing both telephone and broadband penetration in Indian communities should be ample evidence of the need for a change in direction. The FCC should build on this success by making it easier for these tribally-owned providers to become Eligible Telecommunications Carriers.
- D. Creation of Native Broadband Fund. Congress and the FCC should create a Native Broadband Fund, as the Commission suggests in its National Broadband Plan. The creation of this Fund would recognize the unique circumstances of tribal and Native communities and provide a dedicated funding mechanism to target and deploy advanced broadband technologies on Indian lands.
- E. Coordination with Other Federal Agencies. The FCC should lead an effort to coordinate its broadband programs with other federal agencies serving the needs of Native Americans. For example, the FCC should collaborate with the Department of Agriculture, the Bureau of Indian Affairs, the Indian Health Service, and the Veterans Administration to begin an initiative to bring

Internet tele-healthcare to large Indian Reservations, in order to improve access to healthcare services in a cost-effective manner.

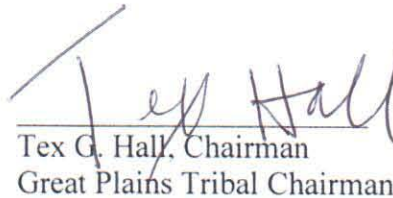
#### IV. Conclusion

COLT and GPTCA appreciate the opportunity to provide their comments regarding the Commission's Further Inquiry Into Certain Issues in the Universal Service-Intercarrier Compensation Transformation Proceeding.

Respectfully Submitted,



Tex G. Hall  
Coalition of Large Tribes



Tex G. Hall, Chairman  
Great Plains Tribal Chairman's Association

Date: September 6, 2011

cc: Julius Genachowski, Chairman  
Michael Copps, Commissioner  
Robert McDowell, Commissioner  
Mignon Clyburn, Commissioner